

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1177

IN THE MATTER OF:

Served November 8, 1971

Investigation of Authority)
to Perform Contract Opera-)
tions.)

Docket No. 234

On October 26, 1971, pursuant to Order No. 1172, the Commission, with Chairman Jeremiah C. Waterman presiding, held a pre-hearing conference in the above-titled proceeding. The conference, the first stage of a general investigatory proceeding to delineate the authority necessary to operate contract service, was held for the purpose of simplifying the issues involved and discussing the procedures to be followed in this investigation. Formal appearances were entered by counsel for the Commission staff, WMA Transit Company, A. B. & W. Transit Company, The Gray Line, Inc., Greyhound Lines (East), Atwood Transport Lines, Inc., Greyhound Airport Service, Inc., D. C. Transit System, Inc., 1/ W. V. & M. Coach Company, Inc., and the Department of Defense.

At the conclusion of the pre-hearing conference, all parties present agreed that they would submit to the Commission within fourteen (14) days of the conference, a draft order setting forth their views of the issues as they perceive them and the procedures to be followed in this investigation. They further agreed that the staff should circulate

1/ On October 21, 1971, the Department of Defense filed with the Commission a Petition for Leave to Intervene in the instant proceeding. Since the Department of Defense makes substantial use of contract bus service throughout the Metropolitan Area, and thus has a substantial interest in the outcome of this proceeding, we therefore grant its Petition for Leave to Intervene.

the submitted draft orders to each party for additional comments and suggestions. Each party will have fourteen (14) days from the receipt of the draft orders to submit these additional comments.

At the pre-hearing conference, counsel for A. B. & W., D. C. Transit, and W. V. & M., renewed their Joint Motion filed September 1, 1971, to dismiss Application No. 715. In addition, counsel for A. B. & W. orally moved that Formal Complaint No. 24 be severed from this proceeding and set for immediate hearing. The purpose of the entire investigation ordered in Commission Order No. 1172 is to clarify the legal basis and authority for contract operations. Both Application No. 715 and Formal Complaint No. 24 involve the question of the authority of a carrier to perform certain contract operations. We believe that the issues present in both of these matters can only be resolved after the disposal of the more fundamental issues in this proceeding, and we therefore will deny both motions.

THEREFORE, IT IS ORDERED:

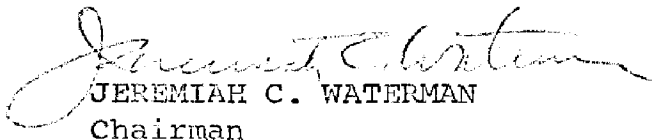
1. That the Department of Defense's Petition for Leave to Intervene be, and it hereby is, granted.

2. That all parties submit to the Commission by Tuesday, November 9, 1971, a draft order embodying their views of the issues involved and subsequent procedures to be followed in this investigation. All submissions received shall be circulated by the Commission staff to each party in the proceeding for additional comments and suggestions. Such comments and suggestions will be submitted to the Commission within fourteen (14) days of receipt of the draft orders.

3. That the Motion to Dismiss Application No. 715, filed by A. B. & W. Transit Company, W. V. & M. Coach Company, and D. C. Transit System, Inc., be, and it hereby is, denied.

4. That A. B. & W. Transit Company's Motion made at the pre-hearing conference that Formal Complaint No. 24 be severed from this proceeding and set for immediate hearing be, and it hereby is, denied.

BY DIRECTION OF THE COMMISSION:


JEREMIAH C. WATERMAN
Chairman